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TO:	Jay Lucas, Supervisor, Office of Petitions	FROM:	ADAM J. CERMAK
FAX:	703.872.9306	REF. NO:	003-068
VOICE:		PAGES	3 (incl. this sheet)
Application number:	[unknown]	DATE:	5 December 2003

The undersigned hereby certifies that the following document(s) is (are) being transmitted by telefacsimile to the United States Patent and Trademark Office at the above "FAX" number, on the above DATE:

- 1) Request to Withdraw Petition as Moot (2 pp)
- 2) Facsimile Certification (1 pg)



Adam J. Cermak
Registration Number 40,391

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Peter FLOHR et al.

Application No.: [to be assigned]

Filing Date: 22 July 2003

For: BURNER AND PILOT BURNER

Art Unit: [to be assigned]

**Mr. Jay Lucas, Supervisor, Office of
Petitions**

Attorney Ref. No.: 003-068

Via Facsimile: 703.872.9306**RECEIVED
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DEC 05 2003****OFFICIAL****REQUEST TO WITHDRAW PETITION AS MOOT****Mail Stop PETITION**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicant hereby requests that their Petition Under 37 C.F.R. § 1.182 For Filing Date Of A Non-Provisional Patent Application, filed 12 November 2003 ("November 12th Petition"), be withdrawn as moot. The Commissioner is authorized to charge any fee under 37 C.F.R. § 1.17 for this request to the undersigned's Deposit Account No. 50-2821.

On 22 July 2003, Applicant, through their undersigned representative, filed a complete (37 C.F.R. § 1.52) non-provisional patent application. As discussed in the November 12th Petition, as of 12 November 2003, the undersigned had received no indication from the U.S. Patent and Trademark Office ("PTO") that they were in possession of the application, and therefore the November 12th Petition was filed in order to preserve the Applicant's rights in the application. A complete copy of the papers filed on 22 July 2003 were filed with and in support of the November 12th Petition, including a copy of the sole return postcard receipt evincing their filing.

On 2 December 2003, the PTO mailed an Official Filing Receipt and a Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted, to the undersigned; the data on the Filing Receipt positively identifies the application filed on 22 July 2003, and assigns to it application number 10/623,812. Thus, it appears that the

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PTO had, after more than four months, picked up the original application and processed it. Because no Decision on Petition accompanied the December 2nd papers, it appears that the November 12th Petition had not yet been decided.

Based on the foregoing, it appears that the November 12th Petition is now moot, as the PTO has now recognized the 22 July 2003 application papers, and assigned an application number and filing date to the application.

M.P.E.P. § 1002.2(b), at item 27, appears to vest authority to decide the November 12th Petition with the Office of the Deputy Commissioner for Patent Examination Policy, and therefore it appears that directing this Request to the Office of Petitions is appropriate.

Applicant respectfully requests that the November 12th Petition be withdrawn as moot; alternatively, if a Decision has been rendered on the November 12th Petition, Applicant respectfully requests that the Decision be vacated as moot. Applicant respectfully requests that any fees charged to the undersigned's Deposit Account based on the November 12th Petition be refunded back to the Deposit Account.

If the petitions attorney believes that a telephone conference with the undersigned would expedite consideration of this Request, they are invited to call on the number below.

Respectfully submitted,

By: 

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Date: 5 December 2003